

To the Honorable Council City of Norfolk, Virginia

March 21, 2017

From:

George M. Homewood, FAICP, CFM, Planning Director

Deputy City Manager

Subject:

Special exception to operate a payday loan/auto title loan establishment at

3607 North Military Highway - Loan Max

Reviewed:

NDEC ST

Ward/Superward: 3/7

Approved:

Jantos of Smith

Item Number:

R-02

Douglas L. Smith, Interim City Manager

- I. Staff Recommendation: Approval.
- II. Commission Action: By a vote of 4 to 3, the Planning Commission recommends Approval.
- III. Request: Special exception to operate a payday loan/auto title loan establishment.
- IV. Applicant: Loan Max

V. Description:

- The site is located at the northwest intersection of N. Military Highway and Norvella Avenue, along the eastern edge of the Norvella Heights neighborhood.
- The request would allow Loan Max to re-establish a payday loan/auto title loan establishment on the site to replace a legally-established nonconforming use.
- Loan Max operated on this site starting in 2004 and was a legally-established nonconforming use.
 - In February of 2016, the building was destroyed by a fire and the site is currently vacant.
 - In order for Loan Max to resume operations in a new building on the site, a special exception would have to be approved.
- Although there may be negative impacts associated with a concentration of payday loan/auto title loan and/or check cashing establishments within close proximity to each other, this proposed re-establishment does not concentrate this land use with similar establishments.
- Additionally, this location has had a payday loan/auto title loan establishment since 2004
 until the fire this past February, and from a land use perspective there have been no
 negative impacts that resulted from the previous establishment.

VI. Historic Resources Impacts:

The site is not located within a federal, state, or local historic district.

VII. Public Schools Impacts

N/A

Staff point of contact: Matt Simons at 664-4750 or Matthew.Simons@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Ordinance

Proponents and Opponents

Proponents

Gene Turck – Applicant 5284 Shenstone Circle Virginia Beach, VA 23455

Jason C. Baker – Applicant 3440 Preston Ridge Road, Suite 500 Alpharetta, GA 30005

Rick Henn – Representative 1400 Granby Street Norfolk, VA 23510

Opponents

Daniel I. Lewis 404 Old Forge Court Virginia Beach, VA 23452



Planning Commission Public Hearing: November 10, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	Item No. C-1				
Address	3607 N. Military Highway				
Applicant	Loan Max				
Request	Special Exception	Payday Loan/Auto Title Loan Establishment			
Property Owner	Rungsi Adalem				
Site Characteristics	Site Area/Building Area	16,321 sq. ft./2,600 sq. ft.			
	Future Land Use Map	Commercial			
	Zoning	C-2 (Corridor Commercial)			
	Neighborhood	Norvella Heights and Azalea Acres/Azalea Lakes			
	Character District	Suburban			
Surrounding Area	North	C-2: Dynasty Auto Sales			
	East	C-2: Priority Collision Center Norfolk			
	South	C-2 and conditional C-2: Big Tex Trailer World, Inc.			
	West	R-7 (Single-Family): Single-family residential			



A. Summary of Request

- The site is located at the northwest intersection of N. Military Highway and Norvella Avenue, along the eastern edge of the Norvella Heights neighborhood.
- The request would allow Loan Max to re-establish a payday loan/auto title loan establishment on the site to replace a legally-established nonconforming use.

B. Plan Consistency

- The proposed special exception is consistent with plaNorfolk2030, which designates this
 site as Commercial.
- The Comprehensive Plan for the Military Highway Corridor District calls for the installation of landscape treatments along the corridor to upgrade its image and appearance.
- To be fully consistent with plaNorfolk2030, a condition should be included requiring the
 installation of street trees and similar landscaping along the portion of N. Military
 Highway fronting this property.

C. Zoning Analysis

i. General

- The proposed use is permitted in the C-2 district by special exception.
- This site is located in the Suburban Character District along N. Military Highway, which is
 a major commercial corridor developed primarily with commercial uses with some
 residential exposure to the west of the site.
- In 2006, the City Council approved a zoning text amendment to create definitions for Payday Loan/Auto Title Loan and Check Cashing Establishment.
- Since 2006, both uses have required a special exception and have been limited to the C-2 district.
 - One of the main reasons cited in 2006 for requiring a special exception was a concern regarding the potential impacts of concentrating payday loan/auto title loan establishments and check cashing establishments within close proximity.
- Loan Max operated on this site starting in 2004 and was a legally-established nonconforming use.
 - In February of 2016, the building was destroyed by a fire and the site is currently vacant.
 - Section 12-9 "Discontinuation of nonconforming uses," of the Zoning Ordinance states "If a nonconforming use is discontinued for a period of two (2) years or more or if any building or structure involved in the nonconforming use is structurally altered, reconstructed, or moved, then the use shall not be resumed...".
 - In order for Loan Max to resume operations in a new building on the site, a special exception would have to be approved.

- Prior to the 2006 text amendment, a payday loan/auto title loan establishment was considered a retail office/financial institution use, which was permitted by-right within most Commercial, Office, Downtown and Pedestrian Commercial Overlay districts.
- Since the 2006 text amendment was approved, there have been two special exception requests to operate a new payday loan/auto title loan establishment and two requests to operate a check cashing establishment:

Date	Planning Commission Recommendation	City Council Action	Request
April 2007	Denial	Approved	Payday Loan/Auto Title Loan Establishment – 7816 N. Military Highway
July 2007	Approval	Denied	Check Cashing Establishment – 6914 N. Military Highway
August 2008	Denial	Approved	Check Cashing Establishment – 1200 N. Military Highway
January 2010	Approval	Denied	Auto Title Loan Establishment – 1105 N. Newtown Road

- There are now 18 total payday loan/auto title loan and/or check cashing establishments operating throughout the City, two of which have been granted special exceptions and the remaining 16 are grandfathered establishments.
 - There are no payday loan/auto title loan and/or check cashing establishments within ½ mile of the proposed location for Loan Max, there are two establishments located at Five Points, which is approximately one mile from this location.
 - There is one financial institution (Navy Federal Credit Union) located within ½ mile of this location.
- Although there may be negative impacts associated with a concentration of payday loan/auto title loan and/or check cashing establishments within close proximity to each other, this proposed re-establishment does not concentrate this land use with similar establishments.
- Additionally, this location has had a payday loan/auto title loan establishment since 2004 until the fire this past February, and from a land use perspective there have been no negative impacts that resulted from the previous establishment.

ii. Parking

- The site is located in the Suburban Character District which requires one off-street parking space per 250 square feet of commercial space.
- The proposed 2,600 square foot building will be required to provide ten off-street parking spaces.
- Given the proposed building size, space will need to be provided on the site to accommodate parking for at least one bicycle.

 Through the City's Site Plan Review process, the proposed building will have to fully comply with the automobile and bicycle parking requirements of the Zoning Ordinance of the City of Norfolk, 1992, as amended.

iv. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- No new vehicle trips are estimated due to the proposed reconstruction of the prior fire damaged business on this site.
- N. Military Highway near the site is identified as a severely congested corridor during the PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus route 15 (Military) operating adjacent to the site.
- N. Military Highway adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resource Impacts

The site is not located within a federal, state, or local historic district.

F. Public School Impacts

N/A

G. Environment Impacts

- As a new development, it will have to complete the Site Plan Review Process with all the standards set forth in the Zoning Ordinance.
 - All applicable erosion and sediment control, floodplain, buffering, screening and any other environmental requirements, including all stormwater management provisions, will be addressed prior to issuance of building permits.
- In order to comply with the Comprehensive Plan for the Military Highway Corridor District, a landscape plan is included as a condition of the special exception in order to ensure that an additional landscape treatment is provided along the N. Military Highway street façade, above the minimum required through the Site Plan Review process.
- A condition has been added that requires new curb, gutter and sidewalks to be installed along both N. Military Highway and Norvella Avenue, which will include a landscape verge between the edge and curb and sidewalk.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, granting the special exception should not have a negative effect on the surrounding area.
- In the past year there has only been one call for emergency service, which was in response to the fire that destroyed the building in February of 2016.

J. Payment of Taxes

The owners of the property are current on all real estate taxes.

K. Civic League

Notice was sent to the Azalea Acres/Azalea Lakes Civic League on September 15.

L. Communication Outreach/Notification

- Legal notice was posted on the property on September 20.
- Letters were mailed to all property owners within 300 feet of the property on October
 12
- Legal notification was placed in *The Virginian-Pilot* on October 13 and 20.

M. Recommendation

Staff traditionally opposes payday loan/auto title loan establishments for a myriad of reasons including impact on surrounding land uses. However, given that this payday loan/auto title loan establishment has previously operated on this site from 2004 to February of 2016, and since there is not a concentration of payday loan/auto title loan establishments within the vicinity of this location, staff recommends that the special exception request be **approved** subject to the conditions shown below:

Payday Loan/Auto Title Loan Establishment Special Exception Conditions

- (a) The hours of operation for the establishment shall be limited to 9:00 a.m. to 6:00 p.m., Monday through Friday, from 10:00 a.m. to 2:00 p.m. Saturday and closed on Sunday.
- (b) The site shall be generally designed in accordance with the conceptual site plan attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (c) All landscaping on the site shall conform to the specifications as depicted in the *Military Highway Corridor Comprehensive Plan* with final review for compliance to be reviewed by the City's Department of Recreation, Parks and Open Space, subject to any required revisions made during the Site Plan Review process.
- (d) New curb, gutter and sidewalks shall be installed along both N. Military Highway and Norvella Avenue adjacent to the site, subject to any required revisions made during the Site Plan Review process.

- (e) The existing freestanding sign on the sign shall be removed and replaced with a new sign, subject to review and approval through the Site Plan Review and building permit review processes.
- (f) The overnight deposit box shall be installed on the eastern elevation of the building.

Attachments

Location map
Zoning map
Similar establishments proximity map
Application
Notification list of all property owners within 300 feet of the site
Notice to the Azalea Acres and Azalea Lakes Civic Leagues

Proponents and Opponents

Proponents

Gene Turck – Applicant 5284 Shenstone Circle Virginia Beach, VA 23455

Jason C. Baker – Applicant 3440 Preston Ridge Road, Suite 500 Alpharetta, GA 30005

Rick Henn – Representative 1400 Granby Street Norfolk, VA 23510

Opponents

Daniel I. Lewis 404 Old Forge Court Virginia Beach, VA 23452 10/26/2016 lds

Form and Correctness Approved

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: 1.

DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTO TITLE LOAN ESTABLISHMENT NAMED "LOAN MAX" ON PROPERTY LOCATED AT 3607 NORTH MILITARY HIGHWAY.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Auto Title Loan establishment named "Loan Max" on property located at 3607 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 161 feet, more or less, along the northern line of Norvella Avenue and 87 feet, more or less along the western line of North Military Highway; premises numbered 3607 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be generally designed in accordance with the "Architectural Site and Building Plan" attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (b) The hours of operation shall be limited to 9:00 a.m. until 6:00 p.m. Monday through Friday, 10:00 a.m. until 2:00 p.m. on Saturday, and closed on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (c) All landscaping on the site shall conform to the specifications as depicted in the "Military Highway Corridor Comprehensive Plan," on file with the

Department of City Planning, with compliance to be reviewed and approved by the City's Department of Recreation, Parks and Open Space, subject to any revisions required to be made during the Site Plan Review process.

- (d) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (e) New curb, gutter and sidewalks shall be installed along those portions of both North Military Highway and Norvella Avenue that abut the site, subject to any revisions required to be made during the Site Plan Review process.
- (f) The existing freestanding sign on the property shall be removed and any new sign or signs that might be installed on the property shall comply fully with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs," and with any requirements established during the Site Plan Review and building permit review processes.
- (g) Any after-hours deposit box shall only be installed on the eastern elevation of the building.
- (h) No car repair or car sales are permitted on the site.
- No vehicles shall be stored overnight on the property.
- (j) No business license shall be issued until conditions (a), (c), (e) and (f), have all been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

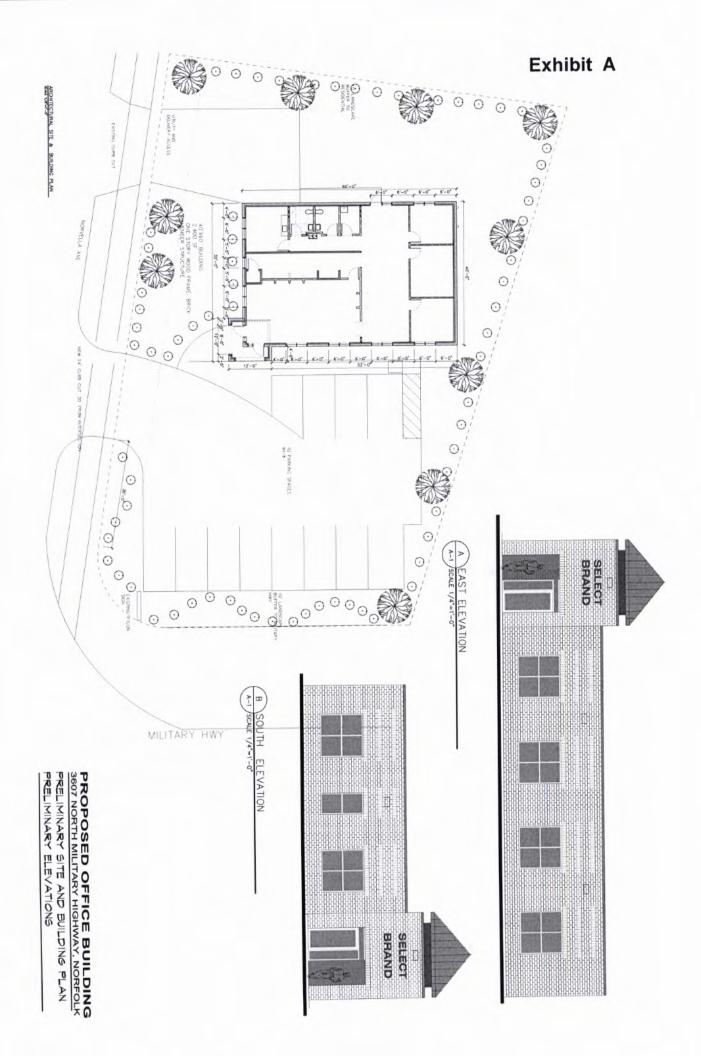
(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was

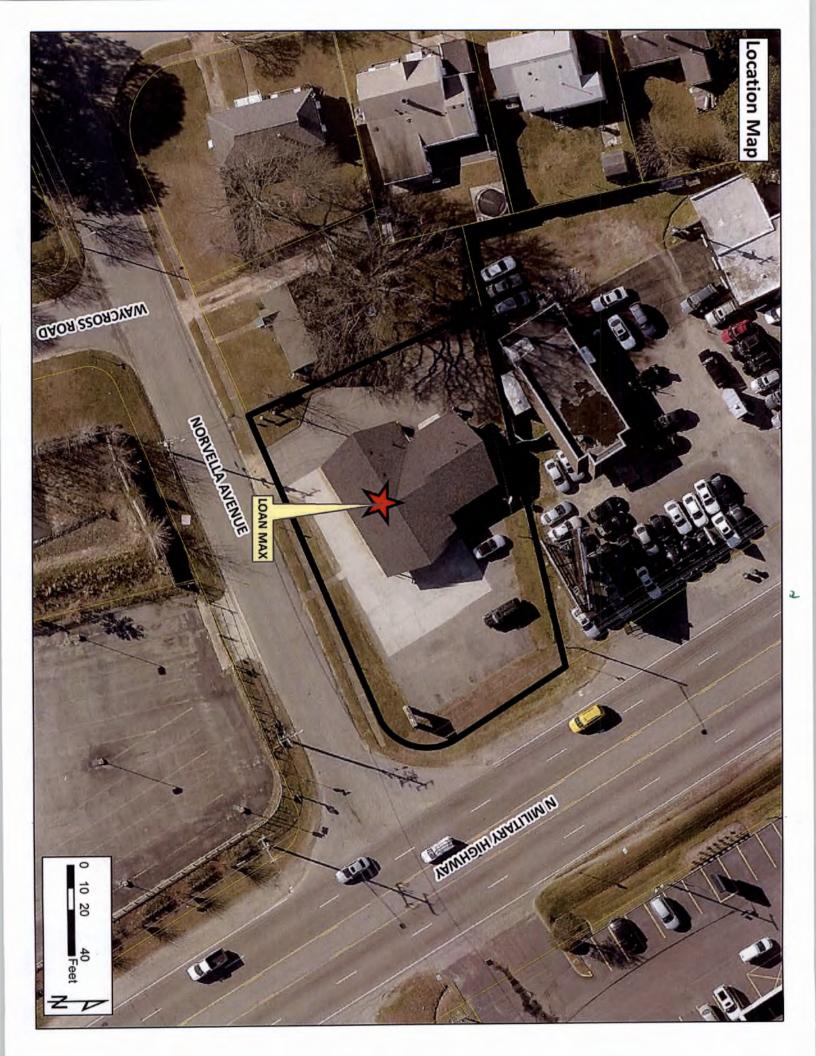
- enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

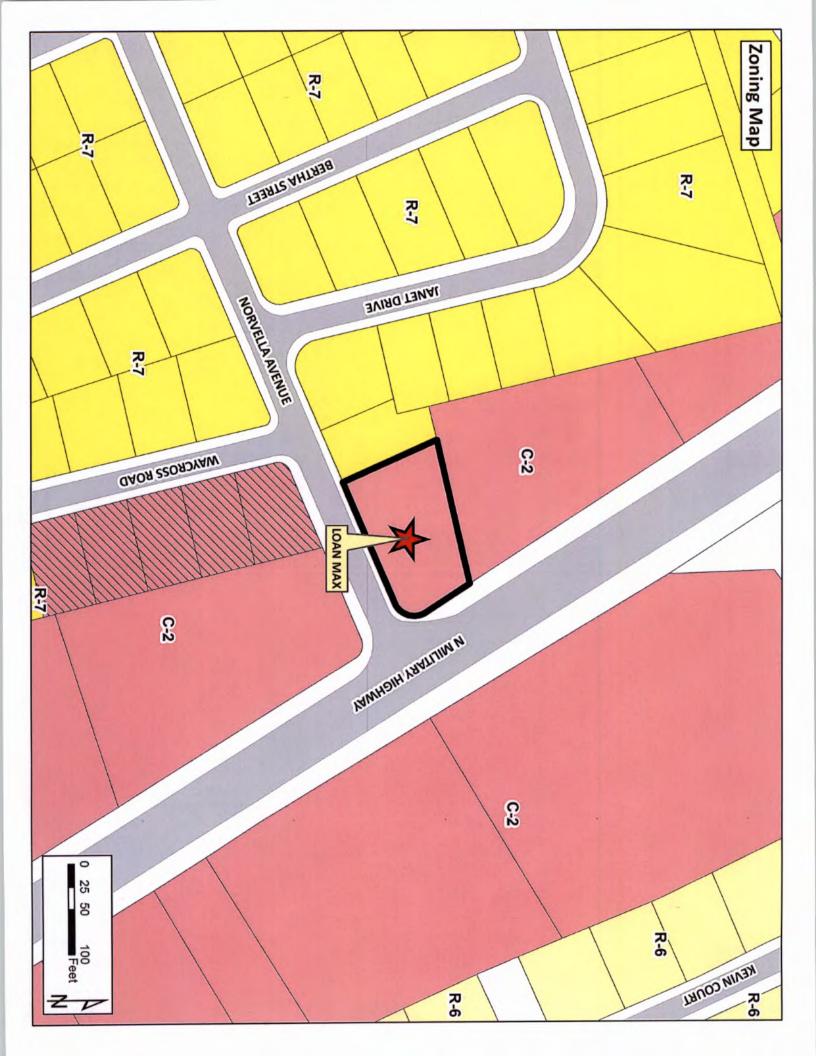
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

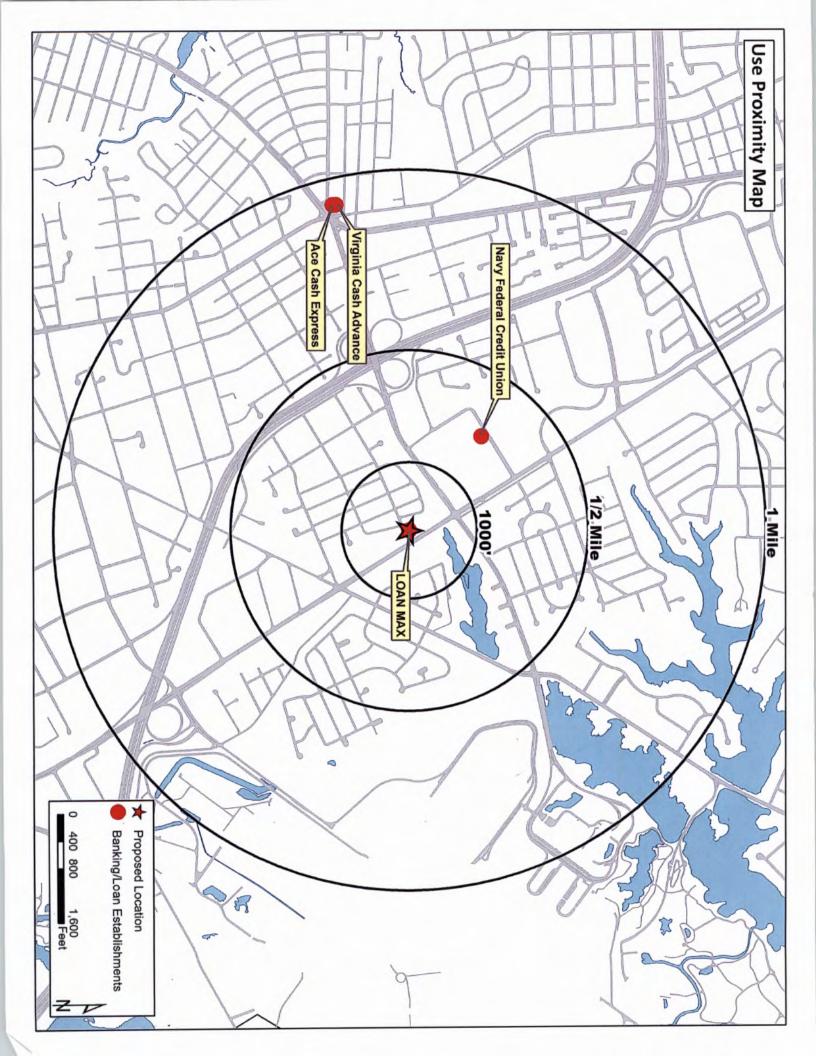
Section 4:- That this ordinance shall be in effect from the date of its adoption.

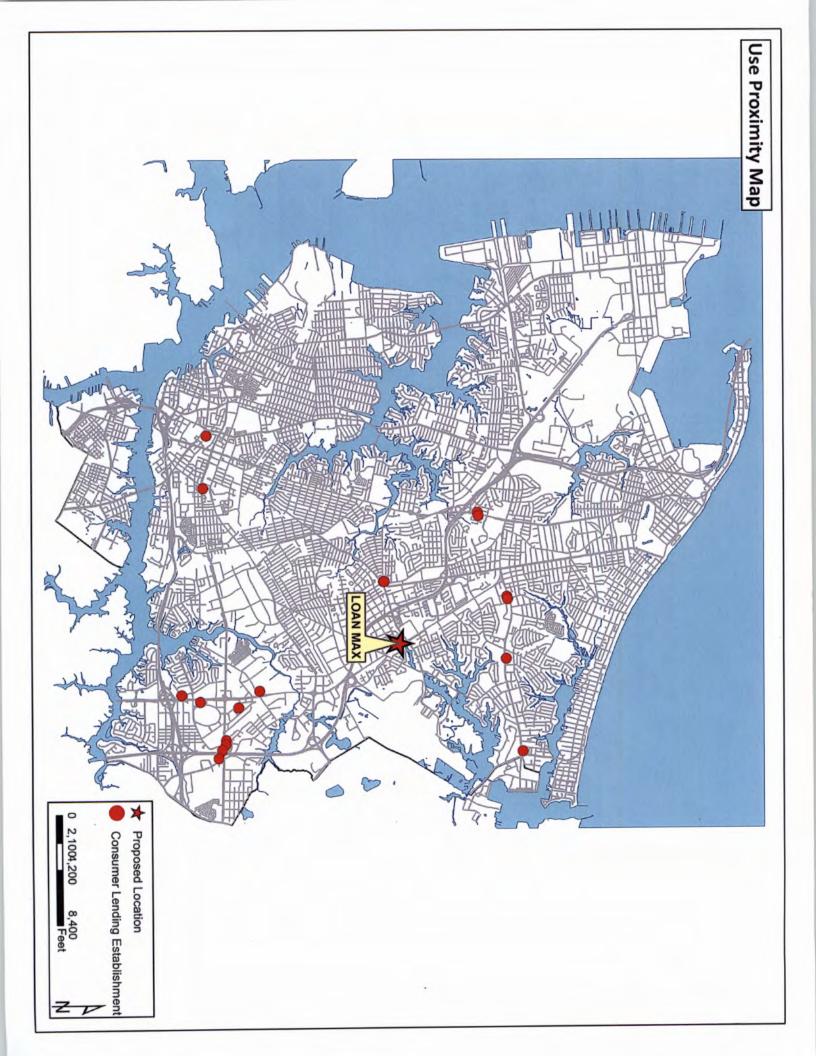
ATTACHMENT: Exhibit A (1 page)













Special Exception for: Auto Title Loan				
Date of application: 9/8/16				
DESCRIPTION OF PROPERTY				
Property location: (Street Number) 3607 (Street Name) N. military Hwy				
Existing Use of Property NAICS Code 522291 Financial, R. Estate Professional Service				
Current Building Square Footage 2600 Professional Service				
Proposed Use No change from existing.				
Proposed Square Footage 2600				
Proposed Hours of Operation:				
Weekday From 9 Am To 6 pm				
Friday From 9 Am To 6 pm				
Saturday From 10 Am To 2 pm				
Sunday From To				
Trade Name of Business (If applicable) Loan Max				

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Application Special Exception Page 2 APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) 1. Name of applicant: (Last) Mark (First) Stephen (MI) & Mailing address of applicant (Street/P.O. Box): 3+40 Preston R.dge Rd Sute 500 (City) Alpharetta (State) GA (Zip Code) 30005 Daytime telephone number of applicant (77) 866 -5749 Fax (678) 805 - 5809 E-mail address of applicant: Smark @ selecting mt. com. AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners) 2. Name of applicant: (Last) (First) ———(MI) Mailing address of applicant (Street/P.O. Box): (City) _____(State) ____(Zip Code) ____ Daytime telephone number of applicant () ______Fax ()_____ E-mail address of applicant: PROPERTY OWNER (If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners) 3. Name of property owner: (Last) Adalem (First) Rungsi (MI)____

DEPARTMENT OF CITY PLANNING

Daytime telephone number of owner (75) 472-417 email: american 2713 e gmail. com

Mailing address of property owner (Street/P.O. box): 5284 Shenstone Cir.

(City) Virgina Beach (State) VA. -(Zip Code) _3455

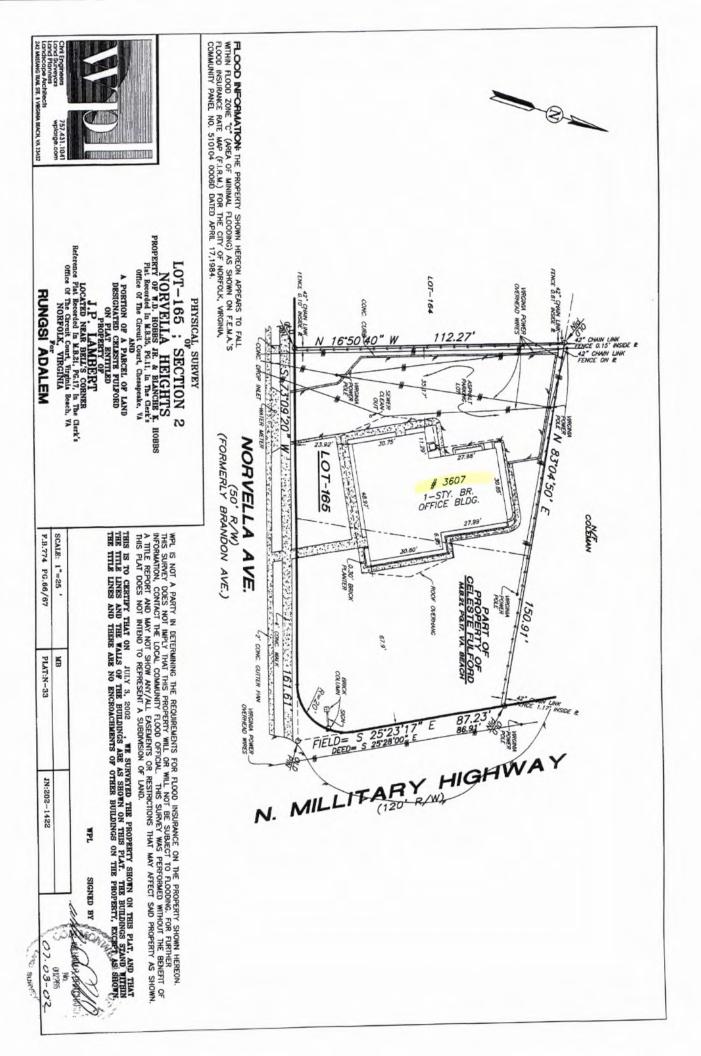
810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Special Exception Page 3

CIVIC LEAGUE IN	11	
Civic League conta	act: Novella Heights	
Date(s) contacted:		
Ward/Super Ward	information:	
o Applid ✓ One 8½ x of showing site curb line): Existi Drive Parkii Lands Prope ✓ One 8½ x of showing all	pplication fee, \$355.00 (if check, make pacation fee includes a non-refundable \$5 14 inch or 11 x 17 inch copy of a physic conditions and improvements (including and proposed building structures ways	technology surcharge. ysical survey, drawn to scale and g portions of the right-of-way to the eptual site plan drawn to scale and sing, drive aisles and parking with
Print name:	N: nit this complete application and central accurate to the best of my knowled Signature (Property Owner) SI ADALEM Stephen & Mark Sign: 3 (Applicant)	ertify the information contained edge: Contained Contained
ONLY NEEDED IF A	PPLICABLE:	
Print name:	Sign:(Authorized Agent Signature)	// (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised September, 2015)



Loan Max - Notification sent to all Property Owners within 300 feet

Property Owner	Property Address	Mailing Address		
Adalem, Rungsi	3607 N Military Hwy	1524 Shenstone Cir	Virginia Beach	VA
Alpaca Realty, Inc	3574 N Military Hwy	Po Box 934	Virginia Beach	VA
Alpaca Realty, Inc	3574 N Military Hwy	Po Box 934	Virginia Beach	VA
Johnson, David W	3525 Waycross Rd	3525 Waycross Rd	Norfolk	VA
Gregory, Frederick G & Yvonne L	3612 Bertha St	3612 Bertha St	Norfolk	VA
Daugherty Rev Living Trust	3600 Bertha St	6315 Adair Ave	Norfolk	VA
Military Norvella Associates, Llp	3579 N Military Hwy	500 E Main St Ste 1424	Norfolk	VA
Military Norvella Associates, Llp	3579 N Military Hwy	500 E Main St Ste 1424	Norfolk	VA
Military Norvella Associates, Llp	3516 Waycross Rd	4701 Columbus St Ste 300	Virginia Beach	VA
Military Norvella Associates, Llp	3520 Waycross Rd	4701 Columbus St Ste 300	Virginia Beach	VA
Military Norvella Associates, Llp	3524 Waycross Rd	4701	Norfolk	VA
Military Norvella Associates, Llp	3528 Waycross Rd	4701 Columbus St Ste 300	Virginia Beach	VA
Military Norvella Associates, Llp	3532 Waycross Rd	4701 Columbus St Ste 300	Virginia Beach	VA
Cates, Bruce C & Carol B	3608 Bertha St	3608 Bertha St	Norfolk	VA
Dowdy, Deborah M	5548 Janet Dr	2704 Manoomin Pl	Virginia Beach	VA
Cullop, David W	5536 Janet Dr	5536 Janet Dr	Norfolk	VA
Neuens, Donald J	3524 Bertha St	3524 Bertha St	Norfolk	VA
Lewis, Jacqueline C	5540 Janet Dr	5540 Janet Dr	Norfolk	VA
Lewis, Daniel I & Candace H	5552 Norvella Av	Po Box 41289	Norfolk	VA
Jones, Elvertis R & Donna M	3529 Waycross Rd	3529 Waycross Rd	Norfolk	VA
M H Enterprises	3600 N Military Hwy	4701 Columbus St Ste 300	Virginia Beach	VA
Mcdonald, Herbert R. Et Al	3520 Bertha St	3520 Bertha St	Norfolk	VA
Melanson, Edward J & Norma L	3604 Bertha St	3604 Bertha St	Norfolk	VA
Ralph, Robert W	5528 Janet Dr	5528 Janet Dr	Norfolk	VA
Garrow, S Patrick Et Als	3635 N Military Hwy	872 E Little Creek Rd	Norfolk	VA
Chalk, Jared M	3516 Bertha St	Po Box 3204	Norfolk	VA
Verstynen, Harry A & Florence L	3533 Waycross Rd	3533 Waycross Rd	Norfolk	VA
Wallace, Jimmie R & Mary G	5532 Janet Dr	5532 Janet Dr	Norfolk	VA
Mc Henry, John Calvin	3615 N Military Hwy	3615 N Military Hwy	Norfolk	VA
Mc Henry, John Calvin	3615 N Military Hwy	3615 N Military Hwy	Norfolk	VA
Smith, Bruce F & Alva N	5544 Janet Dr	5544 Janet Dr	Norfolk	VA
Best, Brandon M	3616 Bertha St	3616 Bertha St	Norfolk	VA

McDonald, Colette

From:

McDonald, Colette

Sent:

Thursday, September 15, 2016 12:02 PM

To:

'nayrt2@aol.com'

Cc:

Johnson, Mamie; Riddick, Paul; Williams, Angelia M.; Simons, Matthew; Herbst, James

Subject:

New Planning Commission Application - Loan Max 3607 N. Military Highway

Attachments:

Application.pdf; Site Plan & Elevations.pdf

Mr. Ryan,

Attached please find an application for a special exception to operate an automobile title loan establishment at 3607 N. Military Highway.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

The item is tentatively scheduled for the October 27, 2016 Planning Commission public hearing.

Thank you,

Colette McDonald City of Norfolk Planning Technician

Planning Department 810 Union Street | Suite 508 Norfolk, VA 23510 Email | Colette.McDonald@Norfolk.gov Phone | (757) 664-6771

